

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES of AMERICA

v.

ASKIA WASHINGTON,

Defendant

CRIMINAL NO: 13-00171-02

Honorable Joel H. Slomsky

**DEFENDANT ASKIA WASHINGTON'S UNOPPOSED
MOTION AND MEMORANDUM OF LAW FOR
CONTINUANCE OF TRIAL**

COMES NOW, defendant Askia Washington, by and through CJA Counsel, Roland B. Jarvis, Esquire, and moves this Honorable Court for a continuance of trial, currently scheduled for September 9, 2014 and in support of said motion states the following:

1. On or about April 11, 2013, defendant was charged in a six-count Indictment with conspiracy to commit Hobbs Act Robbery (Count I), aiding and abetting Hobbs Act Robbery (Count II), conspiracy to possession with intent to distribute five kilograms of cocaine (Count III), aiding and abetting the knowing and intentional possession of five kilograms of cocaine (Count IV), knowingly carrying and aiding and abetting the carrying of firearms (Count V) and felon in possession of firearms (Count VI).

2. On or about April 15, 2013, defendant appeared before a U.S. Magistrate Judge for arraignment on the Indictment and entered a plea of Not Guilty all counts of the Indictment.

3. On or about that same date, this Honorable Court entered a scheduling Order setting June 10, 2013 as the date for Trial.

4. On or about April 29, 2013, undersigned counsel was appointed to represent defendant pursuant to the Criminal Justice Act and entered his appearance.

5. On or about June 7, 2013, defendant filed a motion for continuance more time to process the evidence and consult with his counsel as to assessment of preliminary discovery provided thus far by government counsel.

6. On that same date, this Honorable Court granted said motion for continuance and Trial was scheduled for November 6, 2013.

7. Afterwards defendant received and reviewed the voluminous discovery from the government consisting of under cover video and tape recordings all implicating him in a conspiracy to rob a fictitious stash house that the Bureau of ATF created as a rouse to identity known felons who specialize in such criminal behavior.

8. On or about November 5, 2013, defendant filed a second motion for continuance of trial and waived his right to speedy trial while evaluating his options to either plead guilty or proceed to trial but requires additional time to complete his efforts to secure ATF documents regarding policies and procedures for “stash house” robbery investigations and the impact on African Americans, Hispanics and other minorities in the Eastern District of Pennsylvania.

9. On that same date, this Honorable Court granted defendant’s motion and Trial was rescheduled for April 2, 2014.

10. On or about March 7, 2014, defendant filed a third motion for continuance, marked as second motion in error, and waived his speedy trial rights.

11. On or about March 12, 2014, this Honorable Court granted defendant's motion and Trial was rescheduled for September 9, 2014.

12. On or about defendant filed a pro se letter and attachments in support of request for discovery of government policy and procedure in "stash house" cases.

13. On or about April 27, 2014, undersigned counsel filed a formal motion for discovery and evidentiary hearing on racial profiling.

14. On or about June 30, 2014, defendant's motions were denied.

15. On or about August 7, 2014, defendant's pro se motion for reconsideration was denied.

16. The two co-defendants have pled guilty and are awaiting sentencing; their rights will not be prejudiced by the granting of this motion.

17. Defendant understands his right to a speedy trial and has executed the attached Waiver confirming his desire to continue this matter for at least ninety days.

18. In addition, the interest of justice allows undersigned Counsel to seek additional time for preparation of competent defense strategies given the serious nature of the charges contained in the Indictment. See, Title 18 U.S.C. Sections 3161(h)(1), (h)(7)(A) and (h)(7)(B)(iv).

19. Furthermore, undersigned counsel is authorized to represent that the government counsel is unopposed to this request for relief.

WHEREFORE, defendant Askia Washington and undersigned Counsel respectfully request this Honorable Court enter an appropriate Order GRANTING the unopposed motion for continuance.

Respectfully submitted,

JARVIS LAW ASSOCIATES, P.C.

By: *s/ Roland B. Jarvis*

Roland B. Jarvis, Esquire
Counsel for Defendant

CERTIFICATE OF SERVICE

I, Roland B. Jarvis, hereby certify that a true and exact copy of the enclosed Unopposed Motion for Continuance of Trial was served upon the below listed parties via first class mail, postage paid, or Electronic Case Filing on this 27th day of August 2014.

Salvatore Astolfi, Esquire
Assistant U.S. Attorney
United States Attorney's Office
615 Chestnut Street, Suite 1250
Philadelphia, PA 19106

/s/ Roland B. Jarvis
Roland B. Jarvis